

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5 are pending in the application, with claim 1 being the only independent claim. Support for the amendment to claim 1 can be found at least at paragraph [0022] and the figures of the present application. Accordingly, the amendment to claim 1 is believed to introduce no new matter, and its entry is respectfully requested.

Based on the upon amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,757,933 to Preves *et al.* Applicants respectfully traverse the rejection. Claim 1 has been amended to clarify the invention. In particular, claim 1 recites that the slide switch is mechanically coupled to the switch and ***physically blocks*** the second audio input signal connection so as to prevent connection of an input signal ***to*** the second audio input connection when the switch is in the first switch position. Physically blocking the second audio input connection prevents a user from locating the switch to receive a single input signal and then connecting two input signals to the audio input signal connections. In the present invention, if a user inadvertently leaves the switch in the position for a single input signal, the second input signal connection will be physically blocked, thereby preventing connection of a input signal into the second audio input connection. Such a user will realize that the switch is in the wrong position, and switch it to permit connection of both input signals. The Examiner relies on the

microphones of Preves (MIC F and MIC B) as the first and second audio input connections. The input signal received by a microphone is sound from outside of the microphone. The Examiner further relies on the switch S1 of Preves as both the switch and the switch slide recited in the claims. However, the switch S1 of Preves does not physically block either microphone. Instead, sound received by MIC B is not connected to the amplifier. Thus, the switch S1 relied upon by the Examiner does not **physically block** MIC B so as to prevent connection of an input signal **to** the MIC B. Instead, the switch prevents connection of MIC B to the amplifier. Accordingly, Preves does not anticipate claim 1 of the present application because it does not disclose each and every feature of the claim. Applicants therefore respectfully request that the rejection be withdrawn.

Claim 1 was also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Application No. 2002/0012435 to Colegrave *et al.* As noted above, claim 1 has been amended to clarify that the slide switch **physically blocks** the second audio input connection so as to prevent connection of an input signal **to** the second audio input signal connection. The Examiner relies on the plug-ring contact (24) and tip-contact (26) of Colegrave as the first and second audio input connections and the switch (20) as the slide switch of the claims. However, the switch (20) of Colegrave does not physically block either of plug-ring contact or the tip-contact. Instead, the switch (20) is similar to the conventional switches discussed in the background section of the present application in that it blocks the electrical connection **from** the audio input signal connections to the speaker, rather than **physically blocking** the connection of the input signal **to** the audio input signal connection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 1 and 3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,181,819 to Cammack. As noted above, claim 1 has been amended to clarify that the slide switch ***physically blocks*** the second audio input connection so as to prevent connection of an input signal ***to*** the second audio input signal connection. The switch 24 of Cammack does not include a slide switch coupled thereto that ***physically blocks*** an audio input connection so as to prevent connection of an input signal ***to*** the such audio input signal connection. Claim 1 is therefore not anticipated by Cammack. Claim 3 depends from claim 1 and adds further features thereto. Accordingly, claim 3 is not anticipated by Cammack for at least the same reasons as claim 1. Applicants therefore respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Preves '933 patent in view of U.S. Patent No. 6,359,992 to Preves *et al.* Claim 2 depends from claim 1 and adds further features thereto. The deficiencies noted above with respect to claim 1 and the Preves '933 patent are not resolved by the Preves '992 patent. Thus, even if combined, the Preves '933 and Preves '992 patent do not disclose every feature recited in claim 1. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 3 has been under 35 U.S.C. § 103(a) as being unpatentable over the Preves '933 patent in view of U.S. Patent No. 6,192,860 to Hatlen. The Hatlen patent does not address the deficiencies in the Preves '933 patent explained above with respect to claim 1. Accordingly, claim 3 is patentable for at least the same reasons as claim 1, from which it depends. Applicants therefore respectfully request that the rejection be withdrawn.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Cammack patent in view of U.S. Patent Application Publication No. 2003/0174855 to Hawkins *et al.* The Hawkins *et al.* publication does not address the deficiencies in the Cammack patent, as explained above with respect to claim 1. Accordingly, claim 4 is patentable for at least the same reasons as claim 1, from which it depends. Applicants therefore respectfully request that the rejection be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Cammack patent in view of U.S. Patent No. 4,330,691 to Gordon. The Gordon patent does not address the deficiencies in Cammack, as explained above with respect to claim 1. Accordingly, claim 5 is patentable for at least the same reasons as claim 1, from which it depends. Applicants therefore respectfully request that the rejection be withdrawn.

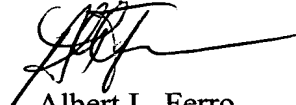
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. Ferro', with a long horizontal flourish extending to the right.

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